

REGULAR MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

APPEALS

Friday September 29, 2017
9:00 a.m.
Commission Chambers
1915 N. Stiles Ave.
Oklahoma City, Oklahoma
www.wcc.ok.gov

AGENDA

CALL TO ORDERPresiding Appellate Officer, Chairman Liotta

ROLL CALLPresiding Appellate Officer, Chairman Liotta

BUSINESSPresiding Appellate Officer, Chairman Liotta

A. MINUTES:

- The drafted Minutes of the Regular Appeal Meeting of September 15, 2017 will be considered for approval.

THE FOLLOWING MATTERS ARE PRESENTED FOR CONSIDERATION AND ACTION, IF ANY, DEEMED APPROPRIATE BY THE COMMISSION

B. Appeal Hearings before the Commission En Banc from Orders Issued by the Commission's Administrative Law Judges

The hearings before the Commission en banc will be conducted pursuant to the authority and jurisdiction of the Administrative Workers' Compensation Act, Title 85A O.S. §1 et seq., and the Workers' Compensation Commission's Permanent Rules, OAC 810. The procedure for the hearings before the Commission en banc is as follows:

- Each party will be allowed ten (10) minutes for oral arguments.
- The appellant will present first. Appellant may divide his or her ten minutes for argument, allowing a portion of that time for rebuttal.
- Both parties are subject to questioning by Commissioners.

1. Thomas Phillip Williams v. Fitness Together & Sentinel Insurance Company LTD&/or Markel Insurance Co. File # CM2015-00691Q

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Marcus s. Wright and Bob Burke are the attorneys of record for the Claimant, Gregg G. Fuller is the attorney of record for the Respondent Markel Insurance Co., and Leah P. Keele is the attorney of record for Respondent Sentinel Insurance Co. LTD.

Possible Action:

Possible action may include, but is not limited to: taking no action; affirming the order and decision of the Administrative Law Judge and issuing an order to that effect, or taking preliminary action in the matter to reverse, modify, remand or if otherwise do not fully affirm the order of the Administrative Law Judge and instructing the Commission Counsel or other staff member to draft a proposed Order to be considered in further deliberations at a future Commission meeting, or continuing the matter.

2. Carla Young v. Central State Community Services of Oklahoma Inc. & CompSource Mutal Ins. Co. (FKA CompSource Oklahoma) File # CM2015-06452Q

Respondent Central State Community Services of Oklahoma Inc. filed an appeal from the order issued by Administrative Law Judge Egan. Rodney Palmer is the attorney of record for the Claimant; Jacob Jean is the attorney of record for the Respondent Central State Community Services of Oklahoma Inc. and CompSource Mutual Ins. Co.; Loretta Jones is the attorney of record for Healthcare Innovations of Oklahoma LLC and Travelers Indemnity Co. of America; and Cathy C. Barnum is the attorney of record for Girling Health Care Inc. and Arch Insurance Co.

Possible Action:

Possible action may include, but is not limited to: taking no action, affirming the order and decision of the Administrative Law Judge and issuing an order to that effect, or taking preliminary action in the matter to reverse, modify, remand or if otherwise do not fully affirm the order of the Administrative Law Judge and instructing the Commission Counsel or other staff member to draft a proposed Order to be considered in further deliberations at a future Commission meeting, or continuing the matter.

3. Jesus David Contreras v. Air System Components, Inc., & Indemnity Insurance Co. of North America, File # CM2016-01777A

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. James G. Devinney is the attorney of record for the Claimant and John A. McCaleb is the attorney of record for the Respondent.

Possible Action:

Possible action may include, but is not limited to: taking no action, affirming the order and decision of the Administrative Law Judge and issuing an order to that effect, or taking preliminary action in the matter to reverse, modify, remand or if otherwise do not fully affirm the order of the Administrative Law Judge and instructing the Commission Counsel or other staff member to draft a proposed Order to be considered in further deliberations at a future Commission meeting, or continuing the matter.

4. Mark Dwayne Carter v. City of Tulsa (Own Risk #10435), File # CM2016-02420F

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Rachel Lynne Farrar and Eric W. Quandt are the attorneys of record for the Claimant and Steven Kuperman is the attorney of record for the Respondent.

Possible Action:

Possible action may include, but is not limited to: taking no action, affirming the order and decision of the Administrative Law Judge and issuing an order to that effect, or taking preliminary action in the matter to reverse, modify, remand or if otherwise do not fully affirm the order of the Administrative Law Judge and instructing the Commission Counsel or other staff member to draft a proposed Order to be considered in further deliberations at a future Commission meeting, or continuing the matter.

5. Mark J. Soukup v. National Gypsum Co., & Ace American Insurance Co., File #CM2015-01425X

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. John L. Harlon is the attorney of record for the Claimant and Heather A. Lehman Fagan is the attorney of record for the Respondent.

Possible Action:

Possible action may include, but is not limited to: taking no action, affirming the order and decision of the Administrative Law Judge and issuing an order to that effect, or taking preliminary action in the matter to reverse, modify, remand or if otherwise do not fully affirm the order of the Administrative Law Judge and instructing the Commission Counsel or other staff member to draft a proposed Order to be considered in further deliberations at a future Commission meeting, or continuing the matter.

6. Jimmy L. Stamper v. Chilis Inc., Safety National Casualty, File # CM2016-02891X

Claimant filed an appeal from the order issued by Administrative Law Judge Sommer. Stacey Lobaugh is the attorney of record for the Claimant and John A. McCaleb is the attorney of record for the Respondent.

Possible Action:

Possible action may include, but is not limited to: taking no action, affirming the order and decision of the Administrative Law Judge and issuing an order to that effect, or taking preliminary action in the matter to reverse, modify, remand or if otherwise do not fully affirm the order of the Administrative Law Judge and instructing the Commission Counsel or other staff member to draft a proposed Order to be considered in further deliberations at a future Commission meeting, or continuing the matter.

7. Donna Jean Kastning v. Osage County Assessor & CompSource Mutual Ins. Co. (FKA CompSource Oklahoma), File # CM2016-04397F

Respondent filed an appeal from the order issued by Administrative Law Judge Sommer. Esther M. Sanders and Bob Burke are the attorneys of record for the Claimant and Jace H. Powell is the attorney of record for the Respondent.

Possible Action:

Possible action may include, but is not limited to: taking no action, affirming the order and decision of the Administrative Law Judge and issuing an order to that effect, or taking preliminary action in the matter to reverse, modify, remand or if otherwise do not fully affirm the order of the Administrative Law Judge and instructing the Commission Counsel or other staff member to draft a proposed Order to be considered in further deliberations at a future Commission meeting, or continuing the matter.

8. Anthony Joseph Sylvester v. Green Country Physical Therapy & Zurich American Insurance Co, File # CM2016-04493F

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Mike Jones and Bob Burke are the attorneys of record for the Claimant and Richard W. Wassall is the attorney of record for the Respondent.

Possible Action:

Possible action may include, but is not limited to: taking no action; affirming the order and decision of the Administrative Law Judge and issuing an order to that effect, or taking preliminary action in the matter to reverse, modify, remand or if otherwise do not fully affirm the order of the Administrative Law Judge and instructing the Commission Counsel or other staff member to draft a proposed Order to be considered in further deliberations at a future Commission meeting, or continuing the matter.

9. Charlie Hardaway v. City of Tulsa (Own Risk #10435), File # CM2016-05341R & CM2016-05342Y

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Jack G. Zurawik is the attorney of record for the Claimant and Patrick S. Parr is the attorney of record for the Respondent.

Possible Action:

Possible action may include, but is not limited to: taking no action; affirming the order and decision of the Administrative Law Judge and issuing an order to that effect, or taking preliminary action in the matter to reverse, modify, remand or if otherwise do not fully affirm the order of the Administrative Law Judge and instructing the Commission Counsel or other staff member to draft a proposed Order to be considered in further deliberations at a future Commission meeting, or continuing the matter.

B. Commission Consideration of Adoption of Final Order in the Following Case:

O'Neal R. Gillispie v. Estes Express Lines Inc. & New Hampshire Ins. Co., File #CM2014-03399K

Claimant and Respondent both filed an appeal from the order issued by Administrative Law Judge Sommer. Joey Chiaf represented the Claimant. J. Nick Crews represented the Respondent.

This case came on for Oral Argument on September 15, 2017, after reviewing the record, hearing oral argument of counsel and deliberating, the Commission took preliminary action to remand the Administrative Law Judge's order for specific findings on PTD Status and instructs Commission Counsel or other staff member to draft a proposed order to that effect.

Possible Action:

Possible action may include, but is not limited to: taking no action, adopting the order as proposed or as modified at the hearing, or continuing the matter.

D. Announcements

Commission's next regular business meeting is Thursday, October 19, 2017. Commission's next meeting regarding Appeals is scheduled for Friday, October 20, 2017.

ADJOURNMENT.....Presiding Appellate Officer, Chairman Liotta